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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,193	05/04/2001	Carol Tosaya	LUID041CIP	9272

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EXAMINER

LESPERANCE, JEAN E

ART UNIT PAPER NUMBER

2674

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/849,193

Applicant(s)

TOSAYA, CAROL

Examiner

Jean E Lesperance

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/20/2004.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1 to 25 are presented for examination.
2. The amendment filed on 9/20/2004 is entered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent # 6,335,723 ("Wood et al.") in view of U.S. Patent # 6,310,615 ("Davis et al.")

As for claims 1, 24 and 25, Wood et al. teach a single piezoelectric second output signal transducer Fig.6 (28) corresponding to a piezoelectric transducer, a cylindrical layered piezoelectric layer 56 surrounded by an outer conductive layer 54a and an inner conductive layer 54b (column 7, lines 18-20) corresponding to said piezoelectric transducer having a piezoelectric shell having an outer surface and an inner surface, and having a bottom edge and a top edge, said inner surface defining an inner region, an outer conductive layer on said outer surface of said piezoelectric shell, an inner conductive layer on said inner surface of said piezoelectric shell; and signal input source Fig.8 (40) corresponding to means for applying a voltage to said inner

conductive layer and said outer conductive layer. Accordingly, Wood et al. teach all the claimed limitations as recited in claim 1 with the exception of providing an erasing pad having a diameter.

However, Davis et al. teach an eraser pad Fig.5A (122) corresponding to an erasing pad having a diameter.

It would have been obvious to utilize the eraser pad as taught by Davis et al. in the transmitter pen disclosed by Wood et al. because this would allow the transcription system to remove at least a portion of the composite image from an image displayed on a monitor.

As for claims 2, 4, and 5, Wood et al. teach an ultrasound transducer 28 which is a cylindrical layered piezoelectric layer 56 where the top edge is close to 40 and bottom edge is close to 28 (Fig.5) corresponding to a spool having a bottom edge having a first circumference and a top edge having a second circumference located within said inner region of said piezoelectric shell, said bottom edge generally aligned with said bottom edge of said piezoelectric shell, and said top edge generally aligned with said top edge of said piezoelectric shell.

As for claim 3, Wood et al. teach a signal input source Fig.8 (40) corresponding to said means for applying a voltage to said inner conductive layer and said outer conductive layer.

As for claim 6, Wood et al. teach Fig.5 where the circumference close to 40 corresponding to the top is larger than the circumference close to 28 corresponding to the bottom corresponding to a central surface between said bottom edge and said top

edge having a central circumference less than said first circumference of said bottom edge and said circumference of said top edge.

As for claim 7, Davis et al. teach a thin plastic sheet which can attach itself to the writing surface 28 (column 21, lines 14-15) corresponding to said piezoelectric shell is a piezoelectric film.

As for claim 8, Wood et al. teach an ultrasound transducer 28 is a cylindrical layered piezoelectric (column 7, lines 17-18) corresponding to said piezoelectric shell is a cylindrical piezoelectric shell.

As for claim 9, Davis et al. teach a reference signal 64 can be received from different angles around the eraser 16 (column 39, lines 23-24) corresponding to said piezoelectric shell is a polygonal piezoelectric shell.

As for claims 10-17, Davis et al. teach the ring of material can be constructed from any material known to transmit the reference signal (column 32, lines 63-65) corresponding to said outer conductive layer is silver and silver based compound, silver based alloy, and mixture of carbon and silver.

As for claim 18, Wood et al. teach a transmitter circuitry 40, connected to the first output signal transducer through leads 42a and 42b, excites the first output signal transducer 44. The transmitter circuitry 40 is also connected to the second output signal transducer 28 through leads 46a and 46b, and excites the second output signal transducer 28 (column 6, lines 46-52) corresponding to said piezoelectric shell includes a first lead extension tab and a second lead extension tab on said bottom edge of said piezoelectric shell, wherein said outer conductive layer extends onto said first lead

extension tab, and said inner conductive layer extends onto said second lead extension tab.

As for claim 19, Wood et al. teach a transmitter pen location system 10a, in which a transmitter pen 30 located within the writing area 14 of a surface 12 (column 4, lines 35-37) corresponding to an transmitter pen enclosure having a writing end, the transmitter pen location which is a hole in the pen extends through a lead from the top of the transmitter pen to the bottom of the transmitter pen (Fig.8) corresponding to a writing pen cavity defined within said transmitter pen enclosure from said access end through said writing end; and signal input source Fig.8 (40) corresponding to means for applying a voltage to said inner surface and said outer surface.

As for claims 20 and 22, Wood et al. a transmitter circuitry 40, connected to the first output signal transducer through leads 42a and 42b, excites the first output signal transducer 44. The transmitter circuitry 40 is also connected to the second output signal transducer 28 through leads 46a and 46b, and excites the second output signal transducer 28 (column 6, lines 46-52) corresponding to a plurality of second output transducers located circumferentially around said writing end of said transmitter pen enclosure, wherein said second output transducers face outward from said writing end of said transmitter pen enclosure; and signal input source Fig.8 (40) corresponding to means for applying a voltage to each of said plurality of second output transducers.

As for claim 21, Wood et al. teach an enclosure having a writing end Fig.6 (36), and a transmitter pen location system 10a, in which a transmitter pen 30 located within the writing area 14 of a surface 12 (column 4, lines 35-37) corresponding to a writing

pen cavity defined within said enclosure and extending through said writing end; an ultrasound transducer 28 is a cylindrical layered piezoelectric (column 7, lines 17-18) corresponding to at least one piezoelectric writing transducer located at said writing end of said enclosure; signal input source Fig.8 (40) corresponding to means for applying a voltage to said piezoelectric writing transducer.

As for claim 23, Wood et al. teach infrared transducers Fig.5 (44) corresponding to said plurality of second output writing transducers are infrared transducers.

### ***Response to Amendment***

4. Applicant's arguments filed 9/20/2004 have been fully considered but they are not persuasive. The applicant argued that the prior art, Wood, does not teach a transmitter eraser including an erasing pad and a rolled piezoelectric film transducer located near the erasing pad. Examiner disagrees with the applicant because the prior art, Davis, teaches an eraser with an eraser pad that could have been placed at the top end of the transmitter pen of Wood since the material used for writing is the same used for erasing and it is inherent in Wood to have the rolled piezoelectric transducer. By looking at Figure 8 of Wood, having the two conductive layers (54a and 54b) from the inside and outside separated by another material (56) which is interpreted as the rolled piezoelectric film. The applicant argued that the prior art does not teach a transmitter pen including a plurality of piezoelectric ceramic transducer located at the writing end of the enclosure. Examiner disagrees with the applicant because the prior art, Wood, clearly teaches a ceramic transducer Fig.8 (28) (see column 7, lines 22-24) including a

plurality of piezoelectric transducer located at the writing end of the enclosure. The applicant argued that the prior art, Wood, does not teach a data entry device including an enclosure having a writing end and an erasing end opposite the writing end, a rolled film piezoelectric writing transducer located at the writing end of the enclosure.

Examiner disagrees with the applicant the transmitter pen taught by Wood is a data entry device with a writing end and it is obvious to have an erasing end at the opposite side since the material used at the writing end is the same used at the erasing end of the present invention. Therefore, the rejection is maintained.

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (703)



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308-6413. The examiner can normally be reached on from Monday to Friday between 8:00AM and 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

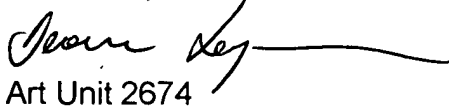
**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Jean Lesperance



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Date 1/7/2005



HENRY N. TRAN  
PRIMARY EXAMINER